

request for a hearing. Such request shall specify the grounds upon which the hearing is requested, as set forth in paragraphs (1) and (2) of this subsection. If the probationer does not request a hearing in the manner prescribed by this section within the period allowed, the probationer shall be deemed to have waived any right to such hearing.

(e) The City Manager shall conduct hearings requested pursuant to this section. If the hearing has been requested pursuant to subsection (c)(2), the probationer shall have the burden of proof that the rejection was effected upon an invalid basis. At the conclusion of such hearing the City Manager may sustain the rejection, reinstate the probationer to probationary status if the probationary period has been completed, or reinstate the probationer to probationary status and extend the probationary period if otherwise permissible, if justified by the evidence presented at the hearing.

(f) If, prior to the hearing, the employee presents to the City Manager a written request that the City Manager be disqualified from conducting the hearing, the City Manager shall assign a designee having no supervisory control over the employee to conduct the hearing. At the conclusion of the hearing, the hearing officer shall recommend to the City Manager the disciplinary action to be taken, if any, and the City Manager shall make a determination and promptly notify the employee in writing of such decision.

Section 10.4 Promotional Probation

An employee who has previously completed the requisite probationary period and who is rejected during a subsequent probationary period for a promotional appointment shall be reinstated to the former position from which the employee was promoted; provided that this subsection shall not be construed so as to prohibit the City from discharging any employee during a subsequent promotional probationary period for those reasons and causes set forth in Section 22 of this Memorandum of Understanding.

Section 10.5 Extension

The probationary period may be extended upon the written recommendation of the employee's department head and the approval of the City Manager for one or more extensions, each not to exceed six months duration.

The Union will be notified in writing of extensions of probationary periods.

Section 11. Promotion

The City shall endeavor to fill vacancies by promotion when in the best interest of the service. In the event the City Manager determines to fill a vacancy by promotion, Human Resources shall prepare and administer an examination for those employees holding similar positions in lower classifications. The names of the successful candidates shall be recorded in the order of their standing in the examination on an employment list. Promotional appointments can only be made from the first three candidates on the employment list who are ready and willing to accept the position offered.

If, in the opinion of the City Manager, a vacancy in the position could be filled better by an open, competitive examination instead of a closed, promotional examination, the Manager may call for applications for the vacancy and arrange for an open competitive examination, and for the preparation and certification of an eligible list.

Section 12. Employment Lists

Employment lists shall become effective upon approval thereof by the City Manager. Employment lists shall remain in effect for one year, unless sooner exhausted, and may be extended prior to their expiration dates by action of the Personnel Board for additional six-month periods but in no event shall an employment list remain in effect for more than two years.

Original appointments can only be made from the list of eligible candidates on the employment list who are ready and willing to accept the position offered.

The name of any person on an employment list may be removed by the City Manager if the eligible person requests such removal in writing, if the candidate fails to respond to a written offer of employment within five business days next succeeding the mailing of notice, which shall be by registered mail, if a subsequent report of a background investigation shows that the person is unsatisfactory, or if the employee has been rejected for appointment three times. If a candidate indicates a desire not to be considered for appointment or for interview, the City Manager remove the name of the candidate from the employment list.

The names of persons on promotional employment lists who resign from the service may be dropped from such lists.

Section 13. Layoff and Re-employment

Section 13.1 Layoff

Whenever, in the judgment of the City Council, it becomes necessary to abolish positions, the City Council may abolish any position including those set forth in Appendix "A" of this Memorandum of Understanding, and the employee holding such position or employment may be laid off without the right of appeal. The City Manager may likewise lay off regular employees due to lack of work or funds.

In reduction of force, employees with the least length of service in the classification affected shall be laid-off first; provided, however, that any employee so laid off may elect to be reassigned to a directly related classification with an equal salary scale held by an employee with less service with the City if the senior employee is capable by training and experience of performing the work of the position. As used herein, the following groups of classifications shall be the only ones deemed to be directly related: (1) Accounting and Customer Service Representative I, II and III; (2) Maintenance Worker I and II; (3) Assistant Engineer and Associate Engineer; (4) Librarian I, Librarian II, Library Assistant I and Library Assistant II; (5) Administrative Assistant and Secretary.